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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 13173-00025-US U.S. APPLICATION NO. 10/569022 (if known see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO. PCT/EP2004/008623	INTERNATIONAL FILING DATE 31 July 2004	PRIORITY DATE CLAIMED 17 February 2004
TITLE OF INVENTION METHOD FOR PRODUCING KETOCAROTENOIDS IN GENETICALLY MODIFIED, NON-HUMAN ORGANISMS		
APPLICANT(S) FOR DO/EO/US Ralf Flachmann et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input checked="" type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11 to 20 below concern document(s) or information included: 11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment. 14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter. 17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. 10/569022 <small>(37 CFR 1.51)</small>	INTERNATIONAL APPLICATION NO. PCT/EP2004/008623	ATTORNEY'S DOCKET NUMBER 13173-00025-US																		
20. <input type="checkbox"/> Other items or information: Form PCT/IPEA/409, Statement To Support Filing And Submission In Accordance With 37 CFR §§1.821 Through 1.825, Nucleotide and/or Amino Acid Sequence Submission on CD (COPY 1, COPY 2, CRF COPY – 3 Discs Total), Postcard, Certificate of Express Mail																				
The following fees have been submitted		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 60%;">CALCULATIONS</th> <th style="width: 40%;">PTO USE ONLY</th> </tr> </table>	CALCULATIONS	PTO USE ONLY																
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21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 300.00</td> <td style="width: 40%;"></td> </tr> </table>	\$ 300.00																	
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22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations \$200		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 200.00</td> <td style="width: 40%;"></td> </tr> </table>	\$ 200.00																	
\$ 200.00																				
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400 All other situations..... \$500		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 400.00</td> <td style="width: 40%;"></td> </tr> </table>	\$ 400.00																	
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TOTAL OF 21, 22 and 23 =		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 900.00</td> <td style="width: 40%;"></td> </tr> </table>	\$ 900.00																	
\$ 900.00																				
<input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 250.00</td> <td style="width: 40%;"></td> </tr> </table>	\$ 250.00																	
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<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">Total Sheets</th> <th style="width: 20%;">Extra Sheets</th> <th style="width: 20%;">Number of each additional 50 or fraction thereof (round up to a whole number)</th> <th style="width: 40%;">RATE</th> </tr> <tr> <td>134 - 100 =</td> <td>34 /50 =</td> <td>1</td> <td>x \$250.00</td> </tr> </table>	Total Sheets		Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	134 - 100 =	34 /50 =	1	x \$250.00											
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134 - 100 =	34 /50 =	1	x \$250.00																	
Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).																				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">CLAIMS</th> <th style="width: 20%;">NUMBER FILED</th> <th style="width: 20%;">NUMBER EXTRA</th> <th style="width: 40%;">RATE</th> </tr> <tr> <td>Total claims</td> <td>12 - 20 =</td> <td></td> <td>x 0.00</td> </tr> <tr> <td>Independent claims</td> <td>2 - 3 =</td> <td></td> <td>x 0.00</td> </tr> <tr> <td colspan="2">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td></td> <td>+ 0.00</td> </tr> </table>		CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	12 - 20 =		x 0.00	Independent claims	2 - 3 =		x 0.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ 0.00	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 0.00</td> <td style="width: 40%;"></td> </tr> </table>	\$ 0.00	
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Total claims	12 - 20 =		x 0.00																	
Independent claims	2 - 3 =		x 0.00																	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ 0.00																	
\$ 0.00																				
TOTAL OF ABOVE CALCULATIONS =		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 1,150.00</td> <td style="width: 40%;"></td> </tr> </table>	\$ 1,150.00																	
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<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.																				
SUBTOTAL =		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 1,150.00</td> <td style="width: 40%;"></td> </tr> </table>	\$ 1,150.00																	
\$ 1,150.00																				
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$</td> <td style="width: 40%;"></td> </tr> </table>	\$																	
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TOTAL NATIONAL FEE =		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 1,150.00</td> <td style="width: 40%;"></td> </tr> </table>	\$ 1,150.00																	
\$ 1,150.00																				
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$</td> <td style="width: 40%;"></td> </tr> </table>	\$																	
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TOTAL FEES ENCLOSED =		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 1,150.00</td> <td style="width: 40%;"></td> </tr> </table>	\$ 1,150.00																	
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Amount to be refunded:		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$</td> <td style="width: 40%;"></td> </tr> </table>	\$																	
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Amount to be charged		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$</td> <td style="width: 40%;"></td> </tr> </table>	\$																	
\$																				

IAF12 Received 17 FEB 2006

10/569022

PTO-1390 (Rev. 07-2005)

Approved for use through 03/31/2007. OMB 0651-0021

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 03-2775 in the amount of \$ 1,150.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-2775. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:


SIGNATURE

Roberte M. D. Makowski, Ph.D.
NAME

CUSTOMER NUMBER: 23416

55,421
REGISTRATION NUMBER

10/569022

IA'12 Rec'd PCT/FTO 17 FEB 2006

PTO/SB/17 (12-04v2)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2005		Complete if Known		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	Not Yet Assigned	
		Filing Date	Concurrently Herewith	
		First Named Inventor	Ralf Flachmann	
		Examiner Name	Not Yet Assigned	
		Art Unit	N/A	
TOTAL AMOUNT OF PAYMENT	(\$)	1,150.00	Attorney Docket No.	13173-00025-US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 03-2775 Deposit Account Name: Connolly Bove Lodge & Hutz LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	900.00
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
12	- 20 =	x	=			
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
2	- 3 =	x	=			

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
134	- 100 = 34	/50 1 (round up to a whole number) x	250.00	= 250.00

4. OTHER FEE(S)

	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge):	
1631 Basic National Stage fee	300.00
1633 National Stage Examination Fee - all other ...	200.00
1642 National Stage Search Fee - search report ...	400.00
1681 National Stage application size fee - for each ...	250.00

SUBMITTED BY			
Signature	<i>Roberte M. D. Makowski</i>	Registration No. (Attorney/Agent)	55,421
Name (Print/Type)	Roberte M. D. Makowski, Ph.D.	Telephone	(302) 658-9141
		Date	February 17, 2006

Application No. (if known): Not Yet Assigned

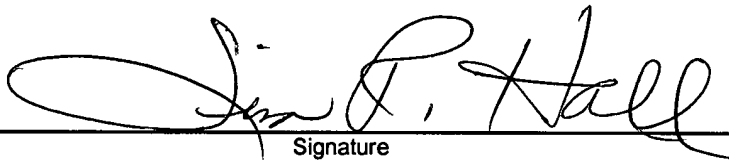
Attorney Docket No.: 13173-00025-US

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV686922629US in an envelope addressed to:

MS PCT
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 P.O. Box 1450
 Alexandria, VA 22313-1450

on FEBRUARY 17, 2006
 Date



Signature

Tina R. Hall

Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal Letter to the United States Designated-Elected Office (3 pages)
 Fee Transmittal (1 page)
 Application Data Sheet (5 pages)
 Copy of the International application with search report (Form PCT/ISA/210) attached
 Form PCT/IPEA/409 (7 pages)
 English language translation of the International application (134 pages)
 Statement To Support Filing And Submission In Accordance With 37 CFR §§1.821 Through 1.825 (2 pages)
 Nucleotide and/or Amino Acid Sequence Submission on CD (COPY 1, COPY 2, CRF COPY - 3 Discs Total)
 Executed Combined Declaration and Power of Attorney (5 pages)
 Preliminary Amendment (8 pages)
 Information Disclosure Statement (2 pages), SB08 (2 pages)
 Copies of references (16)
 Postcard, Certificate of Express Mailing (1 page)
 Authorization to charge \$1,150.00 to deposit account 03-2775

Docket No.: 13173-00025-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ralf Flachmann et al.

Conf. No.: Not yet assigned

Application No.: Not yet assigned

Group Art Unit: Not yet assigned

Filed: Concurrently herewith

Examiner: Not Yet Assigned

For: METHOD FOR PRODUCING
KETOCAROTENOIDS IN GENETICALLY
MODIFIED, NON-HUMAN ORGANISMS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT TO SUPPORT FILING AND SUBMISSION
IN ACCORDANCE WITH 37 CFR §§1.821 THROUGH 1.825**

- ☒ **37 C.F.R. §1.821(f)** - I hereby state that the information recorded in computer readable form is identical to the written (on paper or compact disc) Sequence Listing submitted herewith.
- ☒ **37 C.F.R. §1.52(e)(4)** - I hereby state that the two compact discs are identical.
- ☐ **37 C.F.R. 1.821(g)** - I hereby state that the submission, filed in accordance with 37 C.F.R. 1.821(g), herein does not include new matter.
- ☐ **37 C.F.R. §1.821(h)** - I hereby state that the submission, filed in accordance with 37 C.F.R. §1.821(h), herein does not include new matter or go beyond the disclosure in the international application.
- ☐ **37 C.F.R. §1.825(a)** - I hereby state that the amendments, made in accordance with 37 C.F.R. §1.825(a), included in the substitute sheet(s) or compact disc(s) of the Sequence Listing are supported in the application, as filed, at _____. I hereby state that the substitute sheet(s) of the Sequence Listing does (do) not include new matter.
- ☐ **37 C.F.R. §1.825(b)** - I hereby state that the substitute copy of the computer readable form, submitted in accordance with 37 C.F.R. §1.825(b), is the same as the amended Sequence Listing.

☐ **37 C.F.R. §1.825(d)** - I hereby state that the substitute copy of the computer readable form, submitted in accordance with **37 C.F.R. §1.825(d)**, is identical to that originally filed.

Respectfully submitted,

By Roberte Makowski

Roberte M. D. Makowski, Ph.D.

Registration No.: 55,421

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